



CITY COUNCIL OPERATIONS AGENDA

September 11, 2023 – 5:00 PM | Council Chamber, City Hall

- 1. Call Meeting to order:**
- 2. Approval of Minutes**
 - a. Regular Meeting: June 12, 2023 – Deferred until next meeting
- 3. Public Comment** – (Limit to three minutes per person)
- 4. Old Business** (Public Comment period prior to each topic)
 - a. City Council Bylaws and Rules of Procedure Changes Review and Recommendation - Jordan
- 5. New Business** (Public Comment period prior to each topic)
 - a. Council Agenda Item Request and Background Form Review – Jordan
- 6. Staff or Committee Member Concerns or Comments:**
- 7. Announcement of the Next Meeting**
 - a. Monday, October 9, 2023, at 5:00PM
- 8. Adjournment**

City Council Operations Committee

City Code | Council Bylaws and Policy

Members

Rob Kersch (Chair) | Dick Bauman | Curt Fjelstad

Bylaws and Rules of Procedure

City Council of the City of Deer Lodge, MT

ARTICLE I – General Provisions

Section One: Name

- A. The official name of this commission shall be the “City Council of the City of Deer Lodge” hereinafter referred to as “the Council.”

Section Two: Purpose

- A. The Council exercises the legislative powers of the City of Deer Lodge with general powers subject to the provisions of state law (7-1-4123, MCA), to adopt, amend, and repeal ordinances and resolutions required to:
1. preserve peace and order and secure freedom from dangerous or noxious activities;
 2. secure and promote the general public health and welfare;
 3. provide any service or perform any function authorized or required by state law;
 4. exercise any power granted by state law;
 5. subject to (15-10-420, MCA), levy any tax authorized by state law for public or governmental purposes as described in (7-6-2527, MCA);
 6. appropriate public funds;
 7. impose a special assessment reasonably related to the cost of any special service or special benefit provided by the municipality or impose a fee for the provision of a service;
 8. grant franchises; and
 9. provide for its own organization and the management of its affairs.

Section Three: Membership

- A. **Qualifications for City Council Member.** A person is not eligible for the office of city council member unless the person is a resident for at least 60 days preceding the election to office of the ward electing the person or of an area that has been annexed by the city or town and placed in the ward. (7-4-4401, MCA)
- B. **Term of Office:** The Council consists of two Aldermen elected from each Ward. Each Ward will elect a single Alderman in each 2-year election cycle, therefore, Council members are elected for 4-year terms on alternating election years. A Council member shall hold office for a term of 4 years and until the qualification of a successor. (7-4-4402, MCA)

Section Four: Council Rules and Discipline

- A. The council may determine the rules of its proceedings, punish its members for improper conduct, and expel any member for the same by a two-thirds vote of the members elected.
- B. As members of the Legislative branch, City Council Members shall not direct city employees, who are members of the Executive branch in the performance of their duties.

Section Five: Resignations, Generally, and by Absence

- A. When Council members intend to resign, if reasonably feasible, they shall give notice of their intent to the Mayor and make the date of resignation effective in such a manner as to allow time for appointment of a replacement.
- B. Failure to attend three consecutive regular meetings, or three of any seven consecutive meetings, without the recorded consent of the presiding officer, shall be construed by the Council as grounds for resignation from the Council by absence. The presiding officer may then recommend removal of the member to the Council. The Council must affirm the removal by a 2/3rds vote of the entire Council.

Section Six: Council Vacancies

- A. Determination of vacancy in municipal office of a Council member is in accordance with state statute (7-4-4111, MCA). An office becomes vacant on the happening of any of the following events before the expiration of the term of the incumbent:

1. the death of the incumbent;
2. a determination pursuant to Title 53, chap. 21, part 1, that the incumbent is mentally ill;
3. the incumbent's resignation;
4. the incumbent's removal from office;
5. the incumbent's absence from the city or town continuously for 10 days without the consent of the council;
6. the incumbent's open neglect or refusal to discharge duties;
7. the incumbent's ceasing to be a resident of the city or town or, in the case of a city council member, ceasing to be a resident of the city council member's ward.
 - a. This subsection does not apply to an appointed municipal officer who resides outside the city or town limits with the approval of the city or town governing body and within a distance of the city or town approved by the governing body.
8. the incumbent's ceasing to discharge the duty of office for a period of 3 consecutive months, except when prevented by illness or when absent from the city or town by permission of the governing body;
9. the incumbent's conviction of a felony or of any offense involving moral turpitude or a violation of official duties;
10. the incumbent's refusal or neglect to file an official bond within the time prescribed;
11. the decision of a competent tribunal declaring void the incumbent's election or appointment.

Section Seven: Filling of Council Vacancy

- A. When a vacancy occurs in any elective office, this position is considered open and subject to nomination and election at the next general municipal election in the same manner as the election of any other person holding the same office, except the term of office is limited to the unexpired term of the person who originally created the vacancy. Pending an election and qualification, the council shall, by a majority vote of the members, appoint a person within 30 days of the vacancy to hold the office until a successor is elected and qualified. (7-4-4112 (1), MCA)
- B. If all council positions become vacant at one time, the board of County Commissioners shall appoint persons within 5 days to hold office as a City Council member. The appointed City Council members shall then appoint persons to any other vacant elective offices. (7-4-4112 (2), MCA)
- C. A vacancy in the office of City Council member must be filled from the Ward in which the vacancy exists. (7-4-4112 (3), MCA)

Section Eight: Media Relations

- A. Since the democratic form of government is only successful when the citizens are kept informed and educated about the issues facing their municipality, it is imperative the media play an important role in the council-manager-media relations. It is through an informed public that progress is ensured, and good government remains sensitive to its constituents. These guidelines are designed to help ensure fair relationships with print, radio, ~~and~~ television reporters, ~~as well as engagement with social media~~. The council and the ~~chief administrative officer~~ ~~city manager~~ recognize that the news media provide an important link between the council and the public. It is the council's desire to establish a professional working relationship to help maintain a well informed and educated citizenry.
 1. During the conduct of official business, the news media shall occupy places designated for them or the general public.
 2. All reporters will receive an agenda in advance and will be furnished support material needed for clarification if requested.
 3. In order to preserve the decorum and professionalism of council meetings, the media are requested to refrain from conversing privately with other people in the audience and to conduct any interviews with the public outside the council chambers while council is in session.
 4. Since the government body conducts business differently, it is requested that all reporters new to city council meetings meet with the Chief Administrative Officer or Mayor, prior to covering their first meeting to be informed of policies and procedures to help ensure a professional working relationship between the media reporter and the city.
 5. On administrative matters, the Chief Administrative Officer is the spokesperson, unless he/she has appointed a media relations person to present staff information on the agenda.

6. The Mayor, or his/her designee, is the primary spokesperson for the city on matters regarding policy decisions or any council information pertaining to issues on the agenda. In order to ensure fair treatment of an issue, any clarifications requested by the media on the issue should be addressed after the meeting. When opposing positions have been debated, regardless of the outcome, the public is better informed when all sides have adequate coverage by the media. This lets the public know that the item was seriously debated and options discussed before a vote was taken, and helps build confidence in the democratic process.
7. The City Council is made up of eight council members and a mayor, each elected by the citizens of Deer Lodge. The Chief Administrative Officer serves at the pleasure of the Mayor. In respect to each council member and his/her constituents, his/her views as presented on an issue before the council should provide equitable representation from all members. Therefore, a council member shall only act as a representative for the City Council's position on a subject if the position has already been established through a majority vote of the City Council. Even though council members may express differing ideas, equitable representation helps promote unity of purpose by allowing the public to be informed of each member's position during his/her term of office and not only during an election campaign.
- 7.8. For the purposes of this section, social media is also defined as media and engagement on social media platforms should generally follow under the rules and guidelines in this section.

Section Nine: Conflicts of Interest

- A. Any member of the Council who has an interest in a matter before the Council shall not vote thereon nor seek to influence the vote of other Council members. Council members must not have a private interest that will be affected by performing their official duty.
 1. A private interest means an interest held by an individual member or a relative of that member that is an ownership, directorship or an officership interest in a business or real property (2-2-102(6), MCA)
- B. Additionally, a Council member or any relative or employee or business partner may not be directly or indirectly interested in the profits of any contract entered into by the Council member (7-5-4109, MCA).
- C. However, certain official acts of a member of the Council may be permitted, even if a conflict of interest exists, if the member's vote is necessary to form a quorum or otherwise enable the Council to act.
 1. In this instance, the Council member must disclose the conflict of interest to the Commissioner of Political Practices in Helena before voting (2-2-121(10) and 2-2-131, MCA) and the conflict must be publicly disclosed at the public meeting.
- D. All Council members shall be required to declare in writing at the beginning of each year (or as conflicts of interest are identified/created) any potential conflict of interest that could potentially come before the Council for consideration. (See "Conflict of Interest Declaration Form" in Appendix A.).
 1. Council members shall consult with the City Attorney prior to performing any official act that may be considered to be in conflict with the private interests disclosed on the "Conflict of Interest Declaration Form".

Section Ten: Code of Ethics / Code of Conduct

- A. During the council meetings, council members shall preserve order and decorum, shall not interrupt or delay proceedings, and shall not refuse to obey the orders of the mayor or the rules of the council. Council members shall demonstrate respect and courtesy to each other, to city staff members, and to members of the public appearing before the council. Council members shall refrain from rude and derogatory remarks and shall not belittle staff members, other council members, or members of the public.
- B. They should not use their position to secure special privileges and should avoid situations that could cause any person to believe that they may have brought bias or partiality to a question before the council.
- C. Members of the council will not condone any unethical or illegal activity. All members of the council agree to uphold the intent of this policy and to govern their actions accordingly.

ARTICLE II - OFFICERS

Section One: Presiding Officer

- A. The presiding officer of the Council shall be the Mayor who shall arrange the meeting agenda according to

these bylaws, coordinate the affairs of the Council and preside at all meetings of the Council. (7-5-4102, MCA)

- B. In the absence or disability of the Mayor, the Council President shall serve as its presiding officer and may vote as other members of the Council (7-4-4403 and 7-3-220, MCA). In the absence of the Mayor and of the Council President, the Council shall select one of its number to serve as its temporary presiding officer.

Section Two: Council President

- A. **Officers of city or town council.** The council may elect a president who, in the absence of the mayor, is the presiding officer and may perform the duties of mayor. In the absence of the president, the council may appoint one of its number to act in the president's place. (7-4-4403, MCA)
- B. Prior to the first regularly scheduled City Council meeting in January following a general municipal election, any Council member of the newly organized City Council who wishes to be a candidate for City Council President shall notify the other City Council members and the City Clerk, in writing or via e-mail, of his/her desire to be the Council President.
- C. The election of a Council President shall be taken up as a separate item of new business on the Council agenda at the first regular Council meeting in January immediately following a general municipal election.
- D. The election of Council President shall be by a roll call vote with the votes being duly recorded. (7-5-4121(2), MCA)
- E. A majority of the full Council is required to elect the Council President.
- F. New nominations for Council President at the Council meeting may not be made unless there have been two (2) successive roll call votes wherein the votes cast were identical each time and no candidate received a majority vote.

~~G.~~ After the election of the Council President, the individual elected Council President shall appoint the Council Committees in accordance with Article VI, Section 1 at the following Council meeting.

~~G.~~

~~H.~~ If the position of Council President is vacated, the Council shall elect a new Council President at the first regular Council meeting after the vacancy occurs.

~~H.~~

~~I.~~ Other responsibilities of Council President shall include:

~~2.~~1. As soon as the results of a general municipal election have been officially verified by the Powell County Elections Official, the City Council President shall request the ~~City Clerk's staff~~ Mayor or Chief Administrative Officer direct the City Clerk to send a copy of these Council Bylaws and Rules of Procedure for the conduct of Council meetings and business to each newly elected Council member.

~~3.~~2. Further, the Council President shall also request the ~~City Clerk's staff~~ Mayor or Chief Administrative Officer to direct the City Clerk to commence providing the weekly City Council packet to each newly elected Council member.

~~4.~~3. Once the general municipal elections have been officially verified, the Council President shall arrange with the Mayor and his/her staff to schedule an orientation and information meeting about City affairs and City departments for all newly elected Council members as well as interested current Council members. These meetings shall be scheduled for and conducted prior to the regular commencement of the terms of office on the first Monday in January after the general municipal election of the newly elected Council members.

~~5.~~4. The City Council President shall be responsible for making arrangements with the Mayor for the administration of the oath of office prescribed in Article III, Section 3, of the Montana Constitution, to newly elected City Council members before they enter office.

~~6.~~5. The Council President shall be responsible for making arrangements with the Mayor to ensure that once the oath of office is administered to new Council members, that it is certified by the official before whom the same was taken and is filed with the County election administrator as is required by Section 7-1-4137, MCA, before the new Council member exercises any official duties.

~~7.~~6. Consult with the Mayor and the Council to set a date for a Special Council meeting, before the first

scheduled Council meeting in April. During this meeting the Council will discuss the legislative priorities for the next two years and create a list of goals and objectives, a time table for accomplishing those priorities and measurable criteria by which to gauge the progress of the Council in meeting the objectives.

Section Three: Council Parliamentarian

- A. The City Attorney shall serve as the Council Parliamentarian. The Council Parliamentarian shall decide disputes regarding parliamentary procedure in order to assure that all meetings are fairly conducted in general conformance with "Roberts Rules of Order Revised."

Section Four: Duties of City Staff

- A. The Council shall elect a clerk and such other officers and employees of its own body as are necessary. (7-5-4121(2), MCA)
- B. The Mayor shall direct such city staff as are required to serve the specific legislative needs of the Council in the performance of its legislative duties.
 1. **City Administrative Officer:** The City Administrative Officer (CAO) shall
 - a. be required to be present at all Council meetings.
 - b. review all agenda items, ordinances, and resolutions heard by the Council.
 - c. prepare such reports as are required and provide recommendations.
 - d. provide professional recommendations or see that proper professional presentations be made to the Council
 - e. cause to be provided any technical information required by the Council, and public regarding matters under consideration by the Council.
 2. **City Attorney:** The City Attorney to the City Council shall:
 - a. when required, draft for the city council contracts and ordinances for the government of the city.
 - b. when required, give to the mayor or city council written opinions on questions pertaining to the duties and the rights, liabilities, and powers of the city.
 - c. perform other duties that pertain to the functions of the city council or that the city council prescribes by resolution.
 - d. when required, serve as Council Parliamentarian during all general Council meetings. (7-4-4604, MCA)
 3. **City Clerk:** The Clerk of the Council, who may be the City Clerk, shall
 - a. keep records and perform such other duties as may be required by the Council or by law.
 - b. record and maintain the minutes of the Council's proceedings, showing the vote of each member upon every question, or if failing to vote, indicating that fact.
 - c. keep records of its examinations and other official actions.
 - d. summarize briefly and accurately the substance of all matters proposed, discussed or decided.
 - e. record the names and addresses of all persons appearing before the Council; shall, subject to the direction of the Council and presiding officer, conduct the correspondence of the Council.
 - f. file said minutes and records in the office of the Council, which minutes and records shall be a public record.
 - g. be the custodian of the files and records of the Council.
 - h. maintain a calendar of regular and special council meetings, public meetings, committee meetings, and board meetings.
 - ~~h.i.~~ Be directed by the Mayor and, by extension, the Chief Administrative Officer for requests from the City Council.

ARTICLE III – COUNCIL MEETINGS

Section One: Meeting Times

- A. Regular meetings of the Council shall be held on Monday of the first and third week of each month at 6 o'clock p.m. in the Council Chambers of City Hall, or at such other time and place as designated by the Council.
- B. Should the regular meeting day be a recognized holiday the Council shall, with proper notice, set an alternate day for the meeting.

Section Two: Special Meetings

- A. Special meetings of the Council may be called in accordance with Sections 7-54102(1)(c) and 7-5-4122, MCA.

Section Three: Quorum

- A. **Conduct of council business.** (7-5-4121(1), MCA)
1. A majority of the members of the council constitute a quorum for the transaction of business, but a less number may meet and adjourn to any time stated and may compel the attendance of absent members, under such rules and penalties as the council may prescribe.
 2. A quorum of a public body is the minimal number of members of the body committee or organization, usually a majority, who must be present for valid transaction of business. For a three-member body, two members meeting for the purpose of discussing any public business is subject to the open-meeting/right-to-participate laws.
 - a. Council members should be cognizant of the fact that they cannot discuss topics pertinent to city council business or business pertaining to a committee or board when a majority of that body is present.
- B. The ayes and noes must be called and recorded on the final passage of any ordinance, bylaw, or resolution or the making of any contract.
1. The voting on the election or appointment of any officer must be viva voce.
 2. A majority of the whole number of the members elected is requisite to appoint or elect an officer, and such vote must be recorded.

Section Four: Meeting Agenda and Order of Business

- A. The presiding officer shall prepare the Council agenda which shall be in substantially the following form:
1. Call Meeting to Order
 2. Pledge of Allegiance
 3. Public Comment
 4. Approval of Minutes
 5. Committee, Board or Department Reports
 6. Mayor & Council Concerns
 7. Business Items
 - a. Opening of Bids.
 - b. Confirmations of Appointments.
 - c. Appeals.
 - d. * Consent Items (No Discussion):
 - 1.) General Business/Miscellaneous
 - 2.) Renewal of Licenses/Applications for Special Licenses
 - 3.) Claims (Paying the Bills)
 - 4.) Public Hearings (Required by law or ordinance)
 - 5.) Other Scheduled Matters
 8. **Unscheduled Matters:** An item NOT listed on the agenda for the current meeting may be discussed during the session at the discretion of the Council. However, the purpose of such discussion shall be to decide whether or not to schedule the item for discussion and vote on a subsequent agenda. No unscheduled matter shall be decided by a vote of the Council without prior notice to the public as a scheduled Council agenda item.
 9. Announcement of the Next Meetings
 10. Adjournment
- * Consent items are those upon which the presiding officer considers no discussion should be necessary. However, at the beginning of each meeting any Council Member may request one or more items to be removed from the consent agenda for the purpose of discussion prior to a separate vote on the item(s). The presiding officer should schedule such discussion and vote immediately following adoption of the consent agenda. (See **Appendix A: Consent Agendas**)
- B. The order of business may be adjusted by consent of the Council.

C. Placing items on a Council Agenda:

1. **Mayor:** The Mayor is responsible for creating the Council Agenda.
2. **Chief Administrative Officer:** The Chief Administrative Officer consults with the Mayor to place items on the Council Agenda, Special Council Meeting Agenda, or Public Hearing Agenda.
3. **Committee Chairperson:** The Committee, Board, or Commission Chairperson is responsible for creating the agenda for his or her committee, board, or commission. Items that are moved and passed from a committee, board or commission are sent to the Mayor by the Committee, Board, or Commission Chairperson to be placed on the City Council Agenda.
4. **City Council Member:** A Council member may request that an item be considered on a future City Council, Council Committee, or City-County Joint meeting agenda and, upon agreement of a majority of the Council, staff will prepare a staff report if formal Council action is required.
 - a. Council members may make this request verbally during a meeting or may submit written requests to the Mayor and/or ~~City Manager~~Chief Administrative Officer.
 - b. The process involves two steps:
 - 1.) initial consideration of the request by the full Council at the soonest possible regularly scheduled meeting; and
 - 2.) if a majority agrees, the matter will be scheduled for further consideration on an upcoming Council, Council Committee, or City-County Joint meeting agenda~~or Council-Committee agenda.~~
5. **Members of the Public:** A member of the public may request that an item be placed on a future agenda during public comment or through other communication with Councilmembers. If approved by a majority of the Council, the item will be placed on the agenda for either a Council or Council Committee.

Section Five: Time Control

- A. The presiding officer may, at any time, institute measures to control the time for debate on any issue. Care should be taken to insure fairness in the hearing process. Those speaking in support and opposed should have substantially equal time. The presiding officer may stop debate once he/she believes the issue has been adequately and fairly heard. The Council may overrule the decision of the presiding officer by a majority vote of the Council if the Council believes debate should continue.

Section Six: Provision of Council Meeting Information

- A. All reports, communications, ordinances, resolutions, contract documents or other matters to be submitted to the Council, shall be submitted by 12 o'clock noon on the Thursday immediately preceding the next regularly scheduled Council meeting with the exception that the Mayor may approve late submission when deemed to be in the City's best interest by delivering the same to the Clerk of the Council, whereupon the Mayor shall immediately arrange a list of such matters according to the order of business specified herein, and provide each member of the Council with a copy of the same not later than one working day immediately preceding the Council meeting.

Section Seven: Presentation to the Council (Other Than a Public Hearing)

- A. The general manner in which items other than public hearings are handled by the Council shall be as follows:
1. The presiding officer or staff member presents the item to the Council along with a brief summary of the matter for discussion, with or without recommendation.
 2. For purpose of clarification, Council members, after recognition by the presiding officer, may direct questions to the presiding officer or staff member.
 3. Upon recognition by the presiding officer, comments from the applicant will be heard by the Council.
 4. After recognition by the presiding officer, Council members may direct questions to the applicant.
 5. Members of the audience will be invited to present testimony beginning with those in favor of the measure, followed by those who oppose the measure and, finally, those who wish to speak but who neither favor nor oppose the measure.
 6. All testimony shall be directed to the presiding officer.

7. The Council may, upon a proper motion and second, vote on the matter at hand or table the matter until a date certain.

Section Eight: Public Participation

- A. To ensure public participation all meetings of the Council shall be open to the public except as provided in 2-3-203, MCA.
- B. Public notification of all Council meetings, including general meetings and meetings of Council sub-committees, boards and commissions, and copies of the agenda of all meetings, excepting "closed" meetings pursuant to 2-3-203, MCA, shall be available to the public from the Clerk of the Council and one copy shall be posted at the designated posting board in the City Hall for public viewing. Pursuant to 7-1-4135 MCA, the Council has designated by resolution its official posting place to be the posting board in the lobby of City Hall located at 300 Main Street, Deer Lodge 59722.
- C. Proper Notice shall be defined as 2 full business days (48 hours) prior to a meeting.

Section Nine: Closed Meetings

- A. Per MCA 2-3-303, all meetings of public or governmental bodies, boards, bureaus, commissions, agencies of the state, or any political subdivision of the state or organizations or agencies supported in whole or in part by public funds or expending public funds, including the supreme court, must be open to the public.
- B. All meetings of associations that are composed of public or governmental bodies referred to in subsection (1) and that regulate the rights, duties, or privileges of any individual must be open to the public.
- C. The presiding officer of any meeting may close the meeting during the time the discussion relates to a matter of individual privacy and then if and only if the presiding officer determines that the demands of individual privacy clearly exceed the merits of public disclosure. The right of individual privacy may be waived by the individual about whom the discussion pertains and, in that event, the meeting must be open.
 1. Except as provided in subsection (4)(b), a meeting may be closed to discuss a strategy to be followed with respect to litigation when an open meeting would have a detrimental effect on the litigating position of the public agency.
 2. A meeting may not be closed to discuss strategy to be followed in litigation in which the only parties are public bodies or associations described in subsections (1) and (2).
- D. The supreme court may close a meeting that involves judicial deliberations in an adversarial proceeding.
- E. Any committee or subcommittee appointed by a public body or an association described in subsection (2) for the purpose of conducting business that is within the jurisdiction of that agency is subject to the requirements of this section.
- F. Agendas and Minutes for Closed Hearings must be kept private.
 1. Agendas (if used) are kept in a manila folder and only handed out once the closed meeting is in session and non-permitted personnel have been escorted from the meeting room.
 2. Minutes are kept in a manila folder and only handed out for review once the closed meeting is in session and non-permitted personnel have been escorted from the meeting room.
 - a. Once the minutes have been reviewed and approved, they are placed in a manila envelope and sealed and dated. Each member of the council, committee, or board and pertinent staff in attendance will sign the sealed envelope.
 - b. Minutes will remain sealed until an approved order to unseal them is put forth.

Section Ten: Addressing the Council

- A. The public is invited to speak on any item under discussion by the Council after recognition by the presiding officer. The speaker should step to the lectern and, for the record, give his/her name and address and, if applicable, the person, firm, or organization he/she represents.
- B. Prepared statements are welcomed and should be given to the Clerk of the Council. Prepared statements that are also read, however, shall be deemed unduly repetitious. All prepared statements shall become a part of the hearing record.

Section Eleven: Order and Decorum

- A. While the Council is in session, the members must preserve order and decorum. A member shall not delay or interrupt the proceedings or the peace of the Council nor disturb any member while speaking or refuse to obey the orders of the Council or its presiding officer.
- B. Any person making personal, impertinent or slanderous remarks or who shall become boisterous or disruptive during the Council meeting shall be forthwith barred from further presentation to the Council by the presiding officer, unless permission to continue be granted by a majority vote of the Council.
- C. In the case of a disruptive individual who refuses to obey the orders of the Council or its presiding officer, the presiding officer shall immediately call for a recess of the meeting and while in recess, request a uniformed law enforcement officer remove the disruptive individual from the Council Chambers. Once order and decorum are restored the presiding officer may call the meeting back to order and resume the Council's agenda.
- D. Disorderly Conduct
 - 1. Disorderly conduct as defined in state statute 45-8-101, MCA as it applies to Council, Committee, and Board meetings, states that a person commits the offense of disorderly conduct if the person knowingly disturbs the peace by:
 - a. quarreling, challenging to fight, or fighting;
 - b. making loud or unusual noises;
 - c. using threatening, profane, or abusive language;
 - d. disturbing or disrupting any lawful assembly or public meeting.
 - 2. Any individual removed for disturbing the peace of the Council may, if convicted, be fined an amount not to exceed \$100.

Section Twelve: Parliamentary Procedure

- A. To assure effective participation by all members of the Council and to protect the right of participation by all individuals appearing before the Council, all Council meetings and hearings shall be conducted in general conformance with "Roberts Rules of Order Revised", except as otherwise provided by law. If there is a disagreement with the presiding officer regarding parliamentary procedure, the Council Parliamentarian shall make a procedural ruling. (See Article II – Section Three: Council Parliamentarian.)

Section Thirteen: Voting

- A. The presiding officer shall use the following rules in regard to voting made by the Council:
 - 1. All contracts, ordinances and resolutions require a roll call vote. (7-5-4121(2), MCA)
 - 2. Any action of the Council shall be by roll call vote, at the request of any member.
 - 3. In case a voice vote is indeterminate, a roll call vote shall be taken.
 - 4. The Mayor has the authority to break tie votes with the exception of when the Council is selecting its officers, when it is appointing a Council member to fill a vacant seat, and when the Council is voting to appoint a Council member as its representative to a board, committee, or commission.
 - 5. When a Council member is acting as the presiding officer during the absence of the Mayor, they have the ability to vote in the same manner as they would as a Council member.
 - 6. The vote for the election of any officer must be by Roll Call (7-5-4121(2), MCA).

Section Fourteen: Reconsideration

- A. A motion to reconsider any action may be made at any time before or during the second regular meeting after such action is taken. ("Roberts Rules of Order Revised")
 - 1. Such a motion may be made only if it has been regularly placed on the agenda by a Council member who voted with the prevailing side in the original vote on the item.
 - 2. Approval of a motion to reconsider requires two-thirds of those members present and voting.
 - 3. Until the motion to reconsider is disposed of or lapses, the effect of the original vote is suspended, and no action may be taken to implement it.
- B. The motion to reconsider is debatable to the extent that the motion being reconsidered is debatable. The making of the motion to reconsider takes precedence over all other motions and yields to nothing.

Section Fifteen: Consideration of Section by Section

- A. Considering a matter Section by Section is a means of breaking down a complex decision into more manageable sections and is often used to manage discussion and voting on complex issues. Any member desiring that a measure be considered section by section may request, stating how the matter is to be divided. The motion to consider section by section must be adopted by a majority vote of the Council. After consideration section by section, the entire measure, as amended, shall be voted upon.

Section Sixteen: Motions to Lay on the Table

- A. A matter under discussion may be “tabled” if a Council member makes a motion to lay on the table, and the motion receives a second. This motion may not be debated and requires a 2/3 vote of the Council. When an item has been tabled, the item shall remain on the table for a period of up to six months and then shall automatically cease to exist, unless one of the following actions occurs: a) a motion is approved to remove the item from the table, b) a motion is approved to continue the item's tabled status for an additional period of time or until c) a specified condition is met.

Section Seventeen: General Rules of Council Debate

- A. Council debate shall proceed in accordance with the following rules:
1. Every member desiring to speak shall address the presiding officer and, upon recognition, shall confine himself/herself to the question under debate, avoiding abusive and indecorous language.
 2. A member, once recognized, shall not be interrupted when speaking unless it be to call him/her to order, or as herein otherwise provided. If a member, while speaking is called to order, he/she shall cease speaking until the question of order be determined, and, if in order, he/she shall be permitted to proceed.
 3. Order of rotation in matters of debate or discussion shall be at the discretion of the presiding officer.
 4. Any member of the Council who has an interest as defined by the laws of the State of Montana (Title 2, Chapter 2, MCA) or as advised by the City Attorney shall not participate in the debate nor vote in the matter nor seek to influence the vote of members of the Council. Any Council member attempting to so participate may be censored by a majority vote of the remaining members of the City Council. (Censored is defined as a formal resolution of the legislative body reprimanding a member for specified conduct. It is an official reprimand or condemnation.)
 5. If the presiding officer of the Council has an interest in a matter pending before the Council, as defined by the laws of the State of Montana or as advised by the City Attorney, he/she shall yield the chair to a member of the Council during the course of debate and decision concerning the matter in which he/she has an interest.
 6. After a motion is duly made and seconded by the Council, no person shall address the Council without first securing the permission of the presiding officer.

Section Eighteen: Statement of Motions

- A. All motions shall be stated in clear and definite language. Prior to consideration, all ordinances and resolutions shall be presented to the City Council in writing. A City Council member may refer to the written document in moving its adoption.

ARTICLE IV – PUBLIC HEARINGS

Section One: General Provisions

- A. A public hearing, unless otherwise provided by law, is an advisory hearing before the Council. It is held for the purpose of noticing legislative facts and receiving expressions of public opinion on a question, including the views of interested parties. The Council may conduct public hearings or may appoint a committee or hearing officer for that purpose as provided in Section 7-1-4131, MCA.
- B. When heard by the Council the items will be presented to the Council in the same format as described in Article III, Section Fifteen, above.
- C. When public hearings are being heard and it is anticipated that a large number of citizens may wish to present testimony, the presiding officer, with the consent of the Council, may, prior to opening the hearing, establish reasonable guidelines for the conduct of the hearing.
1. At the commencement of a public hearing, the Presiding Officer may set time limits for the

- presentation of views of proponents and opponents of the measure.
2. These time limits shall be adhered to strictly and impartially.
 3. The presiding officer shall explain these guidelines and time limits to the audience prior to taking testimony.

Section Two: Testimony

- A. Witnesses may be required to testify under oath and all testimony shall be directed to the presiding officer.
- B. At the conclusion of testimony at a public hearing, any individual may be questioned by any member of the Council.
 1. The time involved in such question and reply shall not count against the time allowed for the presentation of views.

Section Three: Evidence

- A. The Council shall not be bound by the strict rules of evidence, but may exclude irrelevant, immaterial, incompetent, or unduly repetitious testimony or evidence.
- B. The presiding officer shall, with advice from the City Attorney, rule on all questions relating to the admissibility of testimony or evidence.
 1. The ruling of the presiding officer may be overruled by a majority vote of the Council.

Section Four: Petitions and Letters

- A. The proponents or opponents, their agent or attorney, may submit petitions and letters during or prior to the closing of the hearing and the same shall be entered by reference into the minutes and considered as other testimony received at the hearing.
- B. Petitions and letters that are also read, however, may be deemed by the presiding officer to be unduly repetitious.
- C. All petitions and letters shall become a part of the hearing record.

Section Five: Subdivision or Zoning Public Hearings

- A. At any public hearing regarding a subdivision or zoning action the action shall be concisely presented by the City Planner or appropriate City representative to explain the background and set forth the reasons for the proposed action. The applicant for the subdivision or zoning action shall then be heard, followed by opponents and proponents.

Section Six: Ex Parte Discussions

- A. Ex parte discussions are those held informally or privately, and thus, out of the public forum.
- B. In the case of property owner applications for subdivision or zoning decisions, Council decisions are quasi-judicial, and Council members should avoid ex parte discussions, whether with interested parties or other members of the public.
- C. Public meeting laws require that deliberations be publicly noticed and open to public attendance.
- D. Council members should urge citizens to make the communication where it will be part of the public record, rather than ex parte.
- E. Communications outside the public hearings should be in writing and addressed to the City Council and the Mayor. In the event of an ex parte discussion that could potentially influence a Council members' vote, the Council member should enter a record of the discussion's content in the public record prior to the closing of public comment, or if that is not possible, prior to the final Council vote.

Section Seven: Council Action

- A. Following the presentation of all comments, testimony and evidence, the Council may:
 1. continue the hearing to a date certain to allow additional information to be submitted to the Council on any unresolved issues;
 2. close the public hearing and proceed to Council debate of the matter; or
 3. close the hearing and continue the Council debate and vote to a date certain; or
 4. return the matter under discussion to committee.

- B. A public hearing which has been formally closed may not be reopened. If additional information is required before a decision can be made, the Council, upon motion duly made, seconded and passed, may call for an additional public hearing which hearing shall be duly noticed, specifying date, time, place and subject matter of the hearing.

ARTICLE V – ORDINANCES AND RESOLUTIONS

Section One: Preparation

- A. All ordinances and resolutions shall be prepared or reviewed by the City Attorney. No ordinance or resolution shall be prepared for presentation to the Council unless so ordered by a majority vote of the Council, Council Committees, Boards, or requested by the Mayor.
- B. Ordinances and Resolutions shall be prepared in accordance with Chapter 1.00 Official Code of Title 1: General Provisions.

Section Two: Executive Review

- A. The ordinances and resolutions shall, before presentation to the Council, be approved as to form and legal sufficiency by the City Attorney and shall have been examined by the Mayor and City Administrative Officer who may refer it for comment to the head of the department under whose jurisdiction the subject matter of the ordinance or resolution is to be administered.

Section Three: Presentation

- A. Ordinances and resolutions must be introduced by a member of the Council or the Mayor. Ordinances and resolutions may be placed on the Council's agenda by a vote of a Council Committee or Board. A draft of the proposed ordinance or resolution shall be presented to the Council for review and comment, prior to a motion to approve the proposed resolution or ordinance.

Section Four: First and Second Readings

- A. If the draft ordinance or resolution is approved by the Council, it shall then be placed on the agenda for first reading and provisional adoption, with second reading of ordinances and final adoption occurring at least twelve (12) days after the first reading and provisional adoption.
- B. The reading of the title and number of the ordinance or resolution shall be sufficient to constitute a reading and an actual oral pronouncement of each word contained therein of the proposed ordinance or resolution is not required and shall be waived unless required by a majority vote of the Council.

Section Five: Posting and Public Notification

- A. After being adopted provisionally, the ordinance or resolution shall be posted on the City Hall posting board and copies thereof shall be made available to the public by the Clerk of the Council.

Section Six: Enactment

- A. All ordinances, except emergency ordinances, shall become effective a minimum of thirty (30) days after the second reading and final adoption unless otherwise indicated at a lengthier timeframe.
- B. All resolutions and emergency ordinances shall become effective at the time indicated therein.

ARTICLE VI – COMMITTEES, SUB-COMMITTEES AND BOARDS

Section One: General Provisions

- A. Council Committees are committees consisting exclusively of members of the City Council. These committees serve the whole Council by preparing preliminary work on matters for the consideration of the entire Council. These Council Committees also serve in an advisory role for the Council.
- B. The Council may establish Council Committees on an ad hoc basis as specific needs arise or the Council may establish "standing" committees by ordinance or resolution depending on the role of the committee.
- C. Council Committees may also create Subcommittees as required. These subcommittees will require at least one Council member but may also include such non-official members as are necessary to fulfill the purpose of the subcommittee. These subcommittees fulfill an advisory role only for the Council Committee and as such any decision of a subcommittee must be approved by the Council Committee to be officially moved to the entire Council.

- D. Boards and Commissions of the Council may consist of Council members and non-council members as required but are set up by the Council through ordinance or resolution to act in an official capacity (e.g. Planning Board, Board of Adjustment, Police Commission). Actions taken by these bodies may be advisory, official, or final, depending on the purpose for which the body was created.
- E. Each City Council committee, commission, and board must develop and maintain bylaws.

Section Two: Public Participation

- A. The laws governing open public meetings apply to all committees, subcommittees, boards, and commissions of the City Council. Notification of any meeting and the agendas of all committees, subcommittees, boards, and commissions of the City Council will be posted as proscribed in Article III, Section Eight of these Bylaws. (2-3-203, MCA)
- B. At all committee meetings public comment will be taken for non-agenda items that relate to the business before the committee. Public comment will also be taken for all agenda items and will follow any staff presentations to the committee.
- C. The chair of the committee, subcommittee, board or commission may set reasonable guidelines and set reasonable time limits to public comment to facilitate the participation of those who would give their input on the topic under discussion. The chair shall adhere to these guidelines and time limits strictly and impartially. The chair shall explain these guidelines and time limits to the audience prior to taking testimony.

Section Three: Conduct of Committee Meetings

- A. A majority of the members of a committee or subcommittee constitutes a quorum.
- B. A committee meeting that has been noticed as provided in Rule 3, Notice of Regular City Council Meetings and Committee Meetings, may only perform the following in the absence of a quorum: engage in discussion; accept testimony and comments from the public; and other actions that do not include voting. Voting is not permitted in the absence of a quorum. When it takes such actions, the fact shall be noted in the minutes, report, or recommendation.

Section Four: Procedure for Public Comment

- A. The procedure for taking public comment shall be as follows for each agenda item:
 - 1. Staff presentation (if necessary)
 - 2. Questions from Council (if necessary)
 - 3. Public comment
 - 4. Parliamentary debate (if necessary)
 - 5. Vote (if necessary)

Section Five: Standing Committees

- A. The standing committees of the Deer Lodge City Council are as follows:
 - 1. City Council Operations Committee
 - 2. Economic Growth and Development Committee
 - 3. Finance Committee
 - 4. Parks and Recreation Committee
 - 5. Public Health and Safety Committee
 - 6. Public Works Committee

Section Six: Standing Subcommittees, Advisory Boards, and Commissions

- A. The advisory boards of the Deer Lodge City Council are as follows:
 - 1. Board of Adjustment
 - 2. Planning Board
 - 3. Police Commission
- B. Boards and commissions that have representation by the City Council members are as follows (these boards and committees are not subject to City Council Bylaws):
 - 1. Airport Board

2. County Park
3. Historic Preservation Board
4. Landfill Board
5. Library Board
6. Local Emergency Planning Committee (LEPC)
7. Weed Commission
8. Youth Board

Section Seven: Ad Hoc Committees

- A. The City Council may create ad hoc committees as deemed necessary. Standing committees may form subcommittees specific to an issue.

Section Eight: Procedure for Forming Subcommittees

- A. When forming a subcommittee, the standing committee shall:
 1. define the purpose of the subcommittee.
 2. define the scope of subcommittee's work.
 3. determine the subcommittee's voting membership, which may include more than City Council members.
 4. provide a timeframe for completion of the subcommittee's work.
 5. Coordinate with Chief Administrative Officer for staff and consultant appointments or assistance.

Section Nine: Committee Appointments

- A. Council committee members shall be members of the current City Council.
 1. If a Council member wishes to be appointed to or removed from a Council committee, the member shall inform the Council President and the Council prior to a regular council meeting verbally, in writing or via e-mail.
- B. The Council President shall officially make the announcement at the Council meeting and direct the Clerk to update the Committee Membership List.
- C. The Clerk shall redistribute the Committee Membership List to Council Members and committee staff each time it is updated.
- D. At the second meeting in January following a municipal general election, all Council Members shall automatically be appointed by the Council President to serve on the standing committees they have requested.
 1. Committee chairpersons shall automatically appoint committee members to the subcommittees they have requested.
- E. The Mayor shall serve as an ex officio, non-voting member of all committees, subcommittees, boards, and commissions.

Section Ten: Selecting Committee Chairpersons

- A. A. Committee chairpersons shall be elected by the full membership of the committee following the second regular meeting of the Council in January after the general municipal election.
 1. The Chairperson selection is made at the committee level and is not forwarded to a Council meeting for a vote.
 2. A majority of all committee members elected is required to approve this type of appointment.
- B. A committee vice chairperson shall be appointed by the committee chairperson as the need arises.

Section Eleven: Voting at Council Committee Meetings

- A. Voting at Council committee meetings shall be limited to Council members who have been appointed to the respective Council committee and who have not resigned or abandoned their committee appointment.
- B. Committee chairpersons, including temporary chairpersons, may vote and initiate motions in all matters that come before the committee.

Section Twelve: Scheduling Public Hearings

- A. When a committee recommends the Council schedule a public hearing on a matter, the committee shall create a draft document pertaining to the matter called the "public hearing draft copy," which details the discussion and recommendation of the majority of members for a motion of the City Council, and attach it to the committee report. The public hearing draft copy may not be amended until the public hearing on the matter has concluded.
- B. If amendments are identified prior to the public hearing, the amendments shall be presented in writing in a separate document to the City Clerk for inclusion in the Council packet prior to the public hearing.

Section Thirteen: Committee Reports

- A. Each committee shall submit a report to the Council on all actions taken, together with recommendations for Council action, where appropriate.
- B. Any committee member disagreeing with the committee report or recommendation on any matter may submit a minority report which shall be included in the committee's report to the Council.

Section Fourteen: Absence from Committee

- A. A committee member's un-notified absence from three consecutive committee meetings shall constitute abandonment of the individual's membership on the committee.
- B. It will be the responsibility of individual committee members to notify or leave a message for the committee chairperson, the City staff member assigned to the committee or the department secretary of the City staff member assigned to the committee, if they will be unable to attend a regular committee meeting.
- C. Extended illness shall automatically constitute a notified absence.

Section Fifteen: Placing Items on Agenda

- A. **Mayor, Chief Administrative Officer, or Appropriate Staff Member:** May request items to be placed on the Committee Agenda by expressing this request to the Committee Chairperson.
- B. **Committee Chairperson:** The Committee, Board, or Commission Chairperson is responsible for creating the agenda for his or her committee, board, or commission. Items that are moved and passed from a committee, board or commission are sent to the Mayor by the Committee, Board, or Commission Chairperson shall be placed on the City Council Agenda.
 - 1. In a City Council Meeting, items may be placed on a Committee Agenda upon request and with the approval of a majority of the present council members.
- C. **City Council Member:** A Council member may request that an item be considered on a future agenda and, upon agreement of a majority of the Council, staff will prepare a staff report if formal Council action is required.
 - 1. Councilmembers may make this request verbally during a meeting or may submit written requests to the Mayor and/or City Manager.
 - 2. The process involves two steps:
 - ~~b~~-a. initial consideration of the request by the full Council at the soonest possible regularly scheduled meeting; and
 - ~~e~~-b. if a majority agrees, the matter will be scheduled for further consideration on an upcoming Council or Council Committee agenda.
- D. **Members of the Public:** A member of the public may request that an item be placed on a future agenda one of two ways:
 - 1. during public comment. The Committee shall vote on whether to include the item on a future agenda; or~~or~~
 - ~~D~~-2. through ~~other~~ communication with Committee Chairperson. The Committee Chairperson may then determine if the item should be placed on a future Committee agenda and shall communicate the same to the person requesting the item be placed.

Section Sixteen: Closing of the Agenda

- A. Agendas will normally be closed 3 full business days (72 hours) prior to the committee meeting.
 - 1. Exceptions shall be made for emergent items up to 4 hours prior to the required proper notice deadline.

Section Seventeen: Referring Items from Committee to the Entire Council

- A. Committees must make a motion to move an item from committee up to the council. The motion must be voted and approved in order to refer the item from committee and be placed on the council agendas.

Article VII – WORK SESSIONS

Section One: Introduction

- A. Work sessions must be posted and fall under the definition of a meeting in the open meeting rules of MCA 2-3-203.
- B. Work Sessions must be open to the public except for those issues that by law are permitted to be addressed in closed session.
- C. Work sessions are used to address major or complex issues more effectively.

Section Two: Scheduling Work Sessions

- A. Work sessions can be scheduled at any time.
- B. If scheduled immediately prior to regular sessions, items on the agenda are also placed on the work session agenda.
 - 1. If there are any questions on issues, they can be addressed in the work session.
- C. If the public isn't aware of work sessions, it may appear that decisions have already been made by the time council acts in a regular meeting.

Section Three: Purpose of Work Sessions

- A. Work sessions are intended to provide opportunities for council, committee, or board members to study difficult issues, gather and analyze information, and clarify problems.
- B. They can also provide opportunities for members to focus on long-term decisions rather than the day-to-day management issues that confront the city.
- C. Work sessions can make regular sessions more productive and shorter by previously addressing the bulk of the issue at hand.
- D. Work sessions can also help members relate better to one another because of the greater informality of such sessions.

Section Four: Permissible Work Session Agenda Items

- A. Work sessions are normally reserved for major or complex projects.
 - 1. Goal-setting, budget review, city code development/revisions, or major development proposals are examples.

Section Five: Public Participation in Work Sessions

- A. The public must be given an opportunity to address the council/committee/board during these work sessions.
 - 1. If council is going to have a meeting, and it is a posted public meeting, then people must have an opportunity to speak under the open meetings rules (2-3-203, MCA).
- B. Rules governing public participation are adhered to and are enforced, and those in attendance should be made aware of the purpose of the meeting—to study issues, not to take action.

Section Six: Public Perception Issues

- A. Citizens often aren't aware of or understand the differences between work sessions and regular sessions, which often gives rise to the perception that the decision process in the regular meeting is predetermined.
- B. To alleviate a perception of issues already being predetermined, communicate, as much as possible, the process by which council makes decisions.
- C. It should be made clear that council holds work sessions for difficult issues, that these sessions are open to the public, and that no final decision is made except in a regular session.

Article VIII – CITY-COUNTY JOINT MEETINGS

Section One: Introduction

- A. City-County Joint meetings must be posted and fall under the definition of a meeting in the open meeting rules of MCA 2-3-203.
- B. City-County Joint meetings must be open to the public except for those issues that by law are permitted to be addressed in closed session.
- C. City-County Joint meetings are used to provide increased communication, a platform for negotiation of agreements, and the ability to discuss issues that affect both City and County constituencies.

Section Two: Scheduling City-County Joint Meetings

- A. City-County Joint meetings are scheduled quarterly but can be scheduled at any time.
- B. The hosting of regularly scheduled quarterly meetings alternates between the City Council and the County Commission. Special meetings are hosted by the party requesting the special meeting.
 - 1. When the City Council hosts the meeting, the agenda is created by the Mayor with input from the County Commission, City Staff, and City Council.
 - a. Council members requesting an item for an agenda may do so in one of two ways:
 - 1.) make a verbal or written request to the Mayor; or
 - 2.) Ask for a vote of the City Council during the Council Comment period of a City Council meeting. If the vote is in the majority, the item will be placed on the City-County Joint Meeting agenda.
 - 2. When the County Commission hosts the meeting, the agenda is created by the County Commission with input from the Mayor.

Section Five: Public Participation in Work Sessions

- A. The public must be given an opportunity to address the City Council or County Commission during these City-County Joint Meetings.
 - 1. If the Council is going to have a meeting, and it is a posted public meeting, then people must have an opportunity to speak under the open meetings rules (2-3-203, MCA).

Mayor
James Jess
Chief Administrative Officer
Jordan Green
City Attorney
Peter Elverum
City Clerk
Cyndi Thompson
Compliance Officer
Kody Ryan
Public Works Superintendent
Trent Freeman
Treasurer
Stanley Glovan
City Services Coordinator
Gena Micu



City Council
Dick Bauman
Joseph Callahan
Curt Fjelstad
Jackie Greenwood
John Henderson
Robert Kersch
John J. Molendyke
Gordon Pierson

CITY COUNCIL AGENDA ITEM REQUEST FORM

Is This Agenda Item Being Requested by a: **CITIZEN** **or** **COUNCILMEMBER**
(Circle one)

I, _____, Address: _____,

Phone #: _____, Email Address: _____

Request the following item be place on the agenda for the City Council on _____, 20__.

Agenda Item Name Request: _____

Please give a brief description of the item requested for discussion:

Please Circle the Action you are requesting the City Council take?

Information Only Study/Send to Committee Make a Decision

Signature: _____ Date: _____

The City Council meets the 1st and 3rd Monday of the month at 6:00 PM, unless otherwise stated. **All agenda requests must be received no later than the end of the day on the Wednesday before the next meeting.** Please note that the Mayor reserves the right to either include or deny a requested item or to change the name of the requested agenda item. However, the City Council can agree through a majority vote to include an item on the City Council agenda without the approval of the Mayor.

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City Council
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Curt Fjelstad
Jackie Greenwood
John Henderson
Robert Kersch
John J. Molendyke
Gordon Pierson

CITY COUNCIL AGENDA ITEM INFORMATION

Is This Agenda Item Being Referred by a: **COMMITTEE** *or* **STAFF MEMBER**

Agenda Item Name: _____

For City Council meeting on: _____

Description of the item:

Attachments:

Previous Committee Engagement:
(discussion, outcomes, recommendations)

Recommended Motion: